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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,371	01/30/2004	Aland B. Adams	200314774-1	7916
22879 7590 05/22/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LE, DIEU MINH T	
			ART UNIT 2114	PAPER NUMBER
			MAIL DATE 05/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/769,371

Applicant(s)

ADAMS ET AL.

Examiner

Dieu-Minh Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the amendment filed 03/08/07.

2. Claims 1-20 are again presented for examination.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ovadia (U.S. Patent Publication No. 2005/0175341) in view of Srikrihna et al. (U.S. Patent Publication No. 2005/0129005 hereafter referred to as Srikrihna).

This rejection is being applied for the same reasons set forth in the previous Office Action mailed 12/06/2006.

As per claims 1-20, see the previous office action for the detailed teaching of Ovadia and Srikrihna as well as the motivation and reason for combined.

Applicant asserts that Ovadia and Srikrihna failed to teach or suggest the following:

- A. a plurality of addresses of an interface of a server;
the first program to determine a particular route path

from the plurality of route paths by applying an algorithm to one or more numerical values associated with a particular address that is one of the plurality of addresses; and second program code to configure the gateway with the particular route path.

Examiner respectfully transverses Applicant's argument as follows:

A. First, In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., a plurality of addresses of an interface of a server; the first program to determine a particular route path from the plurality of route paths by applying an algorithm to one or more numerical values associated with a particular address that is one of the plurality of addresses; and second program code to configure the gateway with the particular route path) is not recited in the rejected claim. Although the claim is interpreted in light of the specification, limitations from the specification is not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, Examiner would like to bring Applicant's attention to "the first program" as referred above versus "the first program code" as claimed are not the same.

*Third, it is not TRUE that Ovadia and Srikrihna failed to teach "a plurality of addresses of an interface of a server; the first program to determine a particular route path from the plurality of route paths by applying an algorithm to one or more numerical values associated with a particular address that is one of the plurality of addresses; and second program code to configure the gateway with the particular route path" and more specifically "an interface of a server" and "configure the gateway" as claimed by Applicant. Ovadia explicitly illustrated the method and system for routing data to and from storage area network (SAN) via SAN gateway [abstract, fig. 2, col. 4, par. 0046] comprising **a connectivity among servers, host computer, SAN, switches, gateway, etc.. via** network interfaces (i.e., server, SAN, SAN gateway, data devices network interfaces/ NIC) [fig. 2, col. 3, par. 0041 through col. 4, par. 0046. Ovadia further demonstrated the SAN (Storage Area Networks and/or Server Area Networks) including the gateway used for data transferring, data configuring via interface means [col. 17,*

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claims 7 and 15]. In addition, Srikrihna disclosed the method, computer readable medium, and apparatus for determining an optimal routing based upon path quality of routes in a mess network including gateway, servers, storage area network (SAN) or mass storage device [abstract, fig. 1-4, col. 1, par. 0002; col. 5, par. 0061]. Srikrihna further demonstrated the gateway configuration via its addresses process in order to optimal routing paths [abstract, col. 2, par. 0022-0024 and col. 5, par. 0060-0062]. *Therefore, it is very clear and it would have been obvious to an ordinary skill in the art to realize both Ovadia and Srikrihna do teach Applicant's "interface of a server" and "configure the gateway" limitations.*

Fourth, Ovadia's method and system for routing data to and from storage area network (SAN) via SAN gateway [abstract, fig. 2, col. 4, par. 0046] also addressed "a particular route path..." therein. Ovadia explicitly demonstrated the capability of determining the best available route to a particular Server Area Network [col. 13, par. 0163]. Therefore, it is very clear and it would have been obvious to an ordinary skill in the art to realize both Ovadia does teach Applicant's "a particular route path" limitations.

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Fifth, as indicated in previous Office Action that it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to first realizing Ovadia's virtual circuit networking algorithm, data sizing via specific burst algorithm, data traffic shaping algorithm as being the an algorithm to one or more numerical values associated with the address as claimed by Applicant. This is because Ovadia explicitly performed multiple data routing (i.e., paths), data configuring, data transmission optimization via routing algorithm in supporting the most data routing efficiency and maximizing data communication links system including failure detection and recovery via data/error monitoring, detecting, and correcting processes (i.e., failover). By utilizing these capabilities, the communication path between the data storage device or storage area network and information data communication system (i.e., host/servers/gateways/switches environment) can be directed or redirected promptly and functioned properly during failover switching process in supporting the network routing and switching operation; second, by applying the control algorithm used via routing path quality, data latency variable, data transmission QOS, routing statistic via data packet addresses as well as a first, second, third routing measurement determination as taught by Srikrishua in

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conjunction with the method and system for routing data to and from storage area network (SAN) via SAN gateway as taught by Ovadia, the multi-path routing communication SAN networking system including gateway and switches capabilities (i.e., OS failover or mesh network) can enhance its operation performance, more specifically to ensuring the best routing path applied along with its error detected, corrected routing addresses and protocol in the storage area network (SAN) area.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to improve the routing system operation availability and network/system performance therein with a mechanism to enhance the data routing connectivity, data debugging, data reliability, and data throughput which eventually will increase its performance, such as data throughput between internal and external devices.

Applicant's arguments filed 03/08/2007 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)272-3644.

The Tech Center 2100 phone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2114**

DML
05/17/07